

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 18347-IA19-0621-004

IN THE MATTER OF:)

Emilia Anna Hill)
3205 S. Wright Rd.,)
McHenry, IL 60050)

Respondent.)

License Number: 3111094)

Type of Agency Action: Enforcement)

FILED

DEC 20 2019

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On November 1, 2019, the Administrative Law Judge, Reuben B. Hill, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Recommended Order on Respondent by mailing the same to her address of record.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, and more than eighteen (18) days have elapsed.

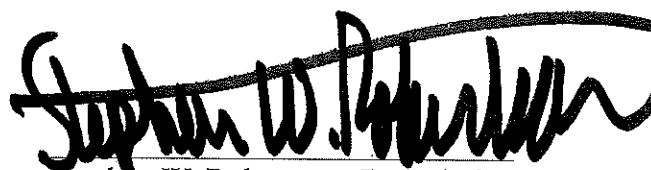
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent's Non-Resident Independent Adjuster's License #3111094 is suspended until Respondent contacts the Department, pays a civil penalty in the amount of five hundred dollars (\$500), and completes three (3) hours of ethics training in addition to the requirements of Indiana Code § 27-1-28 *et seq.*

Under Ind. Code §4-21.5-5-5, Respondent has the right to appeal this Final Order by filing a petition for Judicial review in the appropriate court within thirty (30) days.

ALL OF WHICH IS ORDERED by the Commissioner this 20 day of December, 2019.

A handwritten signature in black ink, appearing to read "Stephen W. Robertson", written over a horizontal line.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Emilia Anna Hill
3205 S. Wright Rd.,
McHenry, IL 60050

Victoria Hastings, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

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AUG 14 2019

STATE OF INDIANA
DEPT. OF INSURANCE

STATEMENT OF CHARGES

The Enforcement Division of the Indiana Department of Insurance (“Department”), by counsel, Victoria Hastings, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.*, files its Statement of Charges against Emilia Anna Hill (“Respondent”) as follows:

FACTS

1. Emilia Anna Hill (“Respondent”) is a licensed nonresident independent adjuster, holding license number 3111094, since October 5, 2015.
2. Respondent’s license is due for renewal on September 30, 2020.
3. On April 2, 2018, Respondent submitted a name change request for her nonresident independent adjuster’s license with the Washington Office of the Insurance Commissioner. Respondent paid a fee of \$5.00 by electronic check; however, the payment was rejected for insufficient funds.

4. After multiple attempts to contact the Respondent without success, the Washington Office of the Insurance Commissioner issued an Order revoking Respondent's nonresident independent adjuster's license, effective on August 9, 2018.
5. Respondent subsequently contacted the Washington Office of the Insurance Commissioner to inquire about what was needed to rescind the revocation. Respondent completed the requirements by paying the civil penalty in the amount of \$505 and her independent adjuster's license was re-instated in the State of Washington on ~~January~~ ^{September} 13, 2018.
6. Respondent failed to notify the Louisiana Department of Insurance within a timely manner regarding Respondent's license revocation from the Washington Department of Insurance.
7. The Louisiana Department of Insurance discovered that Respondent's licensed had been revoked by the State of Washington.
8. The Louisiana Department of Insurance tried to contact Respondent but she never responded to any correspondence.
9. Since the Louisiana Department of Insurance was unable to make contact with Respondent, they sent correspondence to her employer, Sedgewick Claims; Sedgewick sent back a note advising Respondent no longer worked there.
10. The Louisiana Department of Insurance revoked Respondent's nonresident independent adjuster license on April 15, 2019.
11. Respondent has failed to report the administrative actions, including the two license revocations to the Department.
12. The same pattern of failure to respond to communication has occurred with the Department's attempt to contact Respondent. Respondent has failed to respond to any correspondence and phone calls.

CHARGES

COUNT I

1. Averments 1 through 12 are incorporated fully herein by reference.
2. Respondent's conduct is in violation of Indiana Code § 27-1-28-18(b)(2) which provides, in part, that the Commissioner may suspend, revoke, or refuse to issue or renew an independent adjuster license, or place an independent adjuster on probation for violating an insurance law.
3. Indiana Code § 27-1-28-22(a)(1), is an insurance law that states, in part, that an independent adjuster shall report to the Commissioner an administrative action taken against the independent adjuster in another jurisdiction not more than thirty (30) days after the final disposition of the matter.

COUNT 2

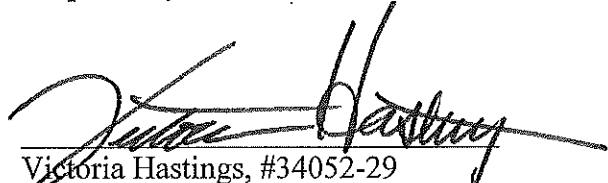
1. Averments 1 through 12 are incorporated fully herein by reference.
2. Respondent's conduct is a violation of Indiana Code § 27-1-28-18(b)(9), which provides, in part, that the Commissioner may suspend, revoke, or refuse to issue or renew an independent adjuster license, or place an independent adjuster on probation for having an insurance license, or its equivalent, probated, suspended, revoked, or refused in another's state, province, district, or territory.

WHEREFORE, the Enforcement Division of the Indiana Department of Insurance, by counsel, Victoria Hastings, requests that the Commissioner set this matter for a hearing pursuant to Indiana Code § 4-21.5, and:

1. Issue an order suspending Respondent's nonresident independent adjuster's license;

2. Levy a civil penalty in the amount of five hundred dollars (\$500) against Respondent;
3. Grant all other relief just and proper in the premises.

Respectfully submitted,




Victoria Hastings, #34052-29
Attorney, Enforcement Division

Victoria Hastings
Indiana Department of Insurance
Enforcement Division
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 234-2101
Facsimile: (317) 232-5251

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon the following Respondent by
United States first class mail, postage prepaid, the same day as filing.

Emilia Hill
3205 S. Wright Rd.,
McHenry, IL 60050



Victoria Hastings

STATE OF INDIANA)
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COMMISSIONER OF INSURANCE

CAUSE NUMBER: 18347-IA19-0621-004

IN THE MATTER OF:

Emilia Anna Hill
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Respondent.

Type of Agency Action: Enforcement

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STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF FILING OF RECOMMENDED ORDER

The parties of this action are hereby notified that the Administrative Law Judge's
Recommended Order is filed as of this date.

To preserve an objection to this order for judicial review, the Parties must object to the
order in a writing that: 1) Identifies the basis for the objection with reasonable particularity; and
2) Is filed with the ultimate authority for the Final Order, the Commissioner of the Department of
Insurance within eighteen (18) days from the date of this Order.

DATED: 11/1/19


Reuben B. Hill
Administrative Law Judge

STATE OF INDIANA)
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

IN THE MATTER OF:)

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**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

Administrative Law Judge Reuben B. Hill ("ALJ"), having heard, reviewed and considered all of the evidence, now renders a decision concerning the matter of Emilia Ann Hill ("Respondent"). This matter came to be heard by the ALJ on September 11, 2019 at 11:00 a.m. at the Indiana Department of Insurance at 311 West Washington Street, Indianapolis, Indiana.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Victoria Hastings. Respondent failed to appear. Testimony was heard, and exhibits were received into evidence.

Based upon the evidence presented at said hearing, the ALJ now makes the following Findings of Fact, Conclusions of Law, and issues his Recommended Default Order.

FINDINGS OF FACT

1. Respondent has been a licensed Non-Resident Independent Adjuster since October 5, 2015.
2. On April 2, 2018, Respondent submitted a name change request for her Non-Resident Independent Adjuster License with the Washington Office of the Insurance Commissioner; however, the payment was rejected for insufficient funds. (Department's Exhibit 1)
3. On April 6, 2018, April 20, 2018, May 11, 2018, and again on May 25, 2018, the Washington Office of the Insurance Commissioner sent correspondence to Respondent, and Respondent failed to respond. (Department's Exhibit 1)
4. On or around July 25, 2018, the Washington Office of the Insurance Commissioner issued an Order revoking Respondent's Non-Resident Independent Adjuster License with an effective date of August 9, 2018. (Department's Exhibit 1)
5. On or around August 10, 2018, Respondent signed an agreement with the Washington Office of the Insurance Commissioner to have her license reinstated and agreed to pay a civil penalty in the amount of Five Hundred Dollars (\$500.00) and a Five Dollar (\$5.00) licensing fee. The Order had an effective date of September 13, 2018. (Department's Exhibit 1)

6. Respondent failed to notify the Louisiana Department of Insurance within the requisite thirty (30) days after the final disposition of the administrative action from the State of Washington. (Department's Exhibit 2)
7. On November 16, 2018, December 4, 2018, and again on January 16, 2019, the Louisiana Department of Insurance sent correspondence to Respondent, and Respondent failed to respond. (Department's Exhibit 2)
8. On March 14, 2019, the Louisiana Department of Insurance revoked Respondent's license due to the failure to timely report the Washington administrative action, with an effective date of April 15, 2019. (Department's Exhibit 2)
9. Respondent failed to notify the Department about the administrative actions in the States of Louisiana and Washington within the requisite thirty (30) days after the final disposition of the matter. (Hearing Transcript, p. 13-15)
10. The Department filed its Statement of Charges and request for hearing on August 14, 2019.
11. Respondent was notified of the hearing via USPS mail to Respondent's address of record. (Hearing p. 11)
12. The Department attempted to contact and notify Respondent via email to Respondent's mail address; however, the email "bounced back" stating it was no longer a valid email address. (Hearing Transcript, p. 11)
13. The Department attempted to contact and notify Respondent via her personal phone number; however, she did not respond after leaving a voice mail message. (Hearing Transcript, p. 11)

14. The Department attempted to contact and notify Respondent via her home phone number; however, the home phone number is no longer valid and appears it may have been disconnected. (Hearing Transcript, p. 11)
15. Respondent did not provide a valid phone number at which she could be reached or otherwise appear for the hearing. (Hearing Transcript, p. 11)
16. A default hearing was held.
17. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

CONCLUSIONS OF LAW

1. The Commissioner of the Indiana Department of Insurance ("Commissioner") has jurisdiction over both the subject matter and the parties to this action.
2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.
3. Indiana Code 27-1-28-18 states, in part, that the Commissioner may suspend an Independent Adjuster License due to a number of factors.
4. Indiana Code 27-1-28-18(b)(2) allows the Commissioner to suspend an Independent Adjuster License for violating an insurance law.
5. Indiana Code 27-1-28-22(a)(1) is an insurance law that states, in part, that an Independent Adjuster shall report to the Commissioner an administrative action taken against the Independent Adjuster in another jurisdiction not more than thirty (30) days after the final disposition of the matter.

6. Indiana Code 27-1-28-18(b)(9) allows the Commissioner to suspend an Independent Adjuster License for having an insurance license or its equivalent, revoked in another state.
7. Indiana Code 4-21.5-3-14(c) states that the person requesting an agency take action has the burden of persuasion and the burden of going forward. The Department is requesting that the Commissioner suspend Respondent's Non-Resident Independent Adjuster License.
8. The Department has its burden of showing Respondent violated Indiana Codes 27-1-28-18(b)(2), 27-1-28-22(a)(1), and 27-1-28-(b)(9), and that Respondent's Non-Resident Independent Adjuster License should be suspended.
9. Indiana Code 4-21.5-3-24 states, in part, that if a party fails to attend or participate in a hearing, the Administrative Law Judge may serve upon all parties written notice of a proposed Default Order, including a statement of the grounds. Within seven (7) days after service of a Proposed Default Order, Respondent may file a written motion requesting the Proposed Default Order not be imposed and stating the grounds relied upon.
10. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

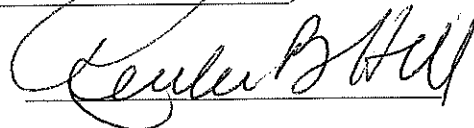
IT IS THEREFORE RECOMMENDED:

In consideration of the foregoing Findings of Fact and the Conclusions of Law as stated, the

Administrative Law Judge now recommends to the **Commissioner of Insurance** the following:

1. That Respondent's Non-Resident Independent Adjuster License #3111094 be
SUSPENDED until Respondent contacts the Department, pays a civil penalty in the amount of Five Hundred Dollars (\$500.00), and completes three (3) hours of ethics training in addition to the requirements of Indiana Code 27-1-28 et seq., effective the date the Final Order is issued.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the
Commissioner of Insurance this 1ST day of November, 2019.



Reuben B. Hill, Esq.
Administrative Law Judge

Distribution:

Emilia Anna Hill
3205 S. Wright Rd.
McHenry, Illinois 60050

Victoria Hastings, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, Indiana 46204